

Part 3

Service of Process and Duties

16-17-301 Service of process on entities.

- (1) A registered agent is an agent of the represented entity authorized to receive service of any process, notice, or demand required or permitted by law to be served on the entity.
- (2) If an entity that previously filed a registered agent filing with the division no longer has a registered agent, or if its registered agent cannot with reasonable diligence be served, the entity may be served by registered or certified mail, return receipt requested, addressed to the governors of the entity by name at its principal office in accordance with any applicable judicial rules and procedures. The names of the governors and the address of the principal office may be as shown in the most recent annual report filed with the division. Service is perfected under this Subsection (2) at the earliest of:
 - (a) the date the entity receives the mail;
 - (b) the date shown on the return receipt, if signed on behalf of the entity; or
 - (c) five days after its deposit with the United States Postal Service, if correctly addressed and with sufficient postage.
- (3) If process, notice, or demand cannot be served on an entity pursuant to Subsection (1) or (2), service of process may be made by handing a copy to the manager, clerk, or other person in charge of any regular place of business or activity of the entity if the person served is not a plaintiff in the action.
- (4) Service of process, notice, or demand on a registered agent shall be in the form of a written document, except that service may be made on a commercial registered agent in such other forms of a record, and subject to such requirements as the agent has stated from time to time in its listing under Section 16-17-204 that it will accept.
- (5) Service of process, notice, or demand may be perfected by any other means prescribed by law other than this chapter.

Amended by Chapter 378, 2010 General Session

16-17-302 Duties of registered agent.

The only duties under this chapter of a registered agent that has complied with this chapter are:

- (1) to forward to the represented entity at the address most recently supplied to the agent by the entity any process, notice, or demand that is served on the agent;
- (2) to provide the notices required by this chapter to the entity at the address most recently supplied to the agent by the entity;
- (3) if the agent is a noncommercial registered agent, to keep current the information required by Subsection 16-17-203(1) in the most recent registered agent filing for the entity; and
- (4) if the agent is a commercial registered agent, to keep current the information listed for it under Subsection 16-17-204(1).

Enacted by Chapter 364, 2008 General Session